

REMARKS

This is in response to the Office Action mailed March 30, 2007.

In the Office Action, the restriction of Claims 24-27 was made final. Also, the Office Action noted an informality in one of the information disclosure statements filed by Applicant. The Office Action included a requirement for information under 37 CFR 1.105 relating to references cited in Applicant's information disclosure statements. In addition, the Office Action included an objection to a passage in the specification. The Office Action included a rejection of Claim 28 as anticipated by U.S. Pat. No. 6,691,032 ("Irish"). The Office Action included a rejection of Claims 1-7, 9, 12-15 and 18-22 as obvious over the combination of U.S. Pat. No. 6,950,198 ("Berarducci") and U.S. Pat. No. 6,914,626 ("Squibbs"). In the Office Action, Applicant's Claim 8 was rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 6,977,679 ("Tretter"), Applicant's Claim 10 was rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 7,100,190 ("Johnson"), Applicant's Claim 11 was rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 6,965,828 ("Pollard"), and Applicant's Claims 16, 17 and 23 were rejected as obvious over the combination of Berarducci, Squibbs, and U.S. Pat. No. 7,135,994 ("Kamikawa").

This response addresses all the issues in the Office Action. Applicant submits that the present application is now in condition for allowance. Reconsideration of the present application is respectfully requested.

I. Interview

On June 28, 2007, Examiner Jeffrey Smith, Examiner Andrew Johns and the undersigned met to discuss the Office Action mailed March 30, 2007. In advance of the interview, Applicant submitted several proposed amendments. The undersigned expresses his sincere appreciation and gratitude to the helpful suggestions and advice provided by Examiners Smith and Johns. The Interview Summary accurately described some of the topics that were discussed. This response is intended to follow what Examiners Smith and Johns and the undersigned discussed in the course of the interview.

II. Restriction

As stated above, the Office Action made final the restriction of Claims 24-27. Applicant does not traverse the restriction. With this response, Applicant has cancelled Claims 24-27, without prejudice.

III. Information Disclosure Statement

Also, the Office Action noted an incorrect document number in one of the information disclosure statements filed by Applicant. Accompanying this response is a supplementary information disclosure statement that identifies the reference with the correct number. Accompanying the supplemental information disclosure statement is an authorization to charge Applicant's deposit account for the associated fee.

IV. Requirement for Information under 37 CFR 1.105

The Office Action included a requirement for information under 37 CFR 1.105 relating to references cited in Applicant's information disclosure statements. Specifically, in the Office Action, it was stated that due to the large number of references cited by Applicant, Applicant was required to identify by column and line in each cited reference where certain features of Applicant's claims were disclosed.

In the interview on June 28, 2007, it was discussed that Applicant cited only 26 separate references albeit in 8 separate information disclosure statements and that 26 references did not constitute a large number of references. The undersigned agreed to help the Examiner with the review these references in the following manner. It was agreed that Applicant would respond to the requirement for information by (1) providing copies of the European search reports and (2) for those references not included in the European search reports, Applicant would attempt to identify relevant portions of the references. By providing such information, Applicant would satisfy the requirement for information.

Copies of the European Search Reports are included in the information disclosure statement accompanying this response. Each of the other references cited by Applicant is addressed below.

U.S. Pat. App. Pub. No. 2003/0078724 discloses a navigation system (labeled "1") that has a feature that allows a user to have a photo image of the user's location shown on a display of the navigation system (see, paragraph 0168). The photo image is selected from a DVD 17C which is part of the navigation system (see, paragraph 0252).

U.S. Pat. App. Pub. No. 2001/0051850 discloses a vehicle navigation system 1 to which is connected an infrared camera 15. The camera 15 acquires images around the vehicle. The images are analyzed to detect signs or traffic (see, paragraphs 0004, 0005, and 0018).

U.S. Pat. App. Pub. No. 2001/0056326 discloses a navigation system that uses a camera and object recognition software to determine in which lane a vehicle is located when it reaches a fork in a road. A database 24 stores information about lanes and intersections. By recognizing the types and number of lane dividing lines crossed by a vehicle as it approaches a fork, the navigation system determines which lane the vehicle is in when it reaches a fork.

U.S. Pat. No. 6,484,086 discloses a vehicle system for detecting road slope. The system is used to assist a vehicle's anti-lock brakes or traction control. The system uses a camera 420 mounted to obtain an image of the road ahead of the vehicle (see, FIG. 2). Then, using object recognition techniques applied to the images, features such as lane markers and the road slope are determined from the image. This information is used to modify performance of the vehicle, e.g., adjust the vehicle speed (see, column 4, lines 19-55).

U.S. Pat. No. 6,182,010 discloses a vehicle navigation system that shows a photographic image of an intersection that the vehicle is approaching in a pop up window on the navigation system display (see, column 5, line 65- column 6, line 15). The photographs are stored on a CD-ROM or DVD in the vehicle (see, column 6, line 38- column 7, line 30).

U.S. Pat. No. 6,133,947 discloses a navigation system that operates with a camera. Position information from the navigation system is associated with photos taken by the camera to indicate where the photos were taken. The photos previously taken (by

the user or by a third party) near the vehicle's current position can be shown on the navigation system display (see, column 12, lines 22-35, column 14, lines 30-50).

U.S. Pat. No. 6,023,241 discloses a combination camera, sound recorder and GPS. The device can be used to record photos, video, and audio, all associated with position data. The device may include map data that can be used to display a map with an indication where a photo, video or audio recording was made (see, column 5, lines 47-67, column 6, lines 15-30). Photo or video data from other sources may be transmitted into the device (see, column 7, lines 8-15 and 27-31). Data from the device may be transmitted for storage at a remote location (see, column 7, lines 31-38).

U.S. Pat. No. 5,913,078 discloses a camera with a GPS unit that associates data indicating where a photo was taken with the photo. Map data may be used with the camera to show on a map where photos were taken (see, column 34, line 54-column 35, line 5; column 35, lines 46-55).

U.S. Pat. App. Pub. No. 2003/0164796 discloses associating position data with photographs using different types of position-determining equipment, such as GPS, cell towers, local area networks, or RDS transmitters.

U.S. Pat. App. Pub. No. 2003/0202104 discloses a camera connected to a GPS unit and a communications system. A service center provides information to the camera about nearby photo processing locations (see, paragraph 0044). The image data may be sent from the camera to the photo processing location for printing (see, paragraph 0044).

U.S. Pat. App. Pub. No. 2004/0054463 discloses a method for determining position using a camera. An image is taken with the camera and an object in the image is compared to a city guide database (see, paragraph 0008).

U.S. Pat. App. Pub. No. 2003/0184654 discloses a system in which a camera is brought together with a vehicle navigation system. Photos are taken when a camera is close to a vehicle navigation system and data from the navigation system is associated with the photos to indicate where the photos were taken (see, paragraph 0078). Also, a person using the camera may obtain information about objects around a vehicle (see, paragraph 0099).

U.S. Pat. No. 6,895,126 discloses a method of synthesizing composite images along streets from video data acquired from a video camera carried in a vehicle being driven along the streets. The position of the camera is determined. Individual photos are synthesized into composite images that show a wider field of view (column 5, lines 45-51).

U.S. Pat. No. 6,943,825 discloses a camera (electronic device 175) with a GPS (locator 155) that determines where a photo was taken, referred to as a "place stamp" (column 2, lines 51-67). The place stamp is converted from a first format (e.g., geographic coordinates) to a second format (e.g., country, state, city, street, or addresses) using a lookup table stored either with the camera or on a remotely located server (column 3, lines 42-56).

V. Objection to the specification under 35 U.S.C. 112, first paragraph.

In the Office Action, an objection was made that a passage in Applicant's specification did not meet the enablement requirement of 35 U.S.C. 112, first paragraph, because it stated that devices for interfacing with a computer network could be implemented on a variety of platforms including platforms developed in the future. Although Applicant does not agree that the passage raises any issues of enablement, Applicant has amended the text of the specification to address the objection. Applicant submits that this amendment has no affect on the scope of the claims, including equivalents.

VI. Rejection of Claim 28 as anticipated by Irish.

Applicant's Claim 28 relates to a method that enables users to take photographs of places of interest. The Office Action included a rejection of Applicant's Claim 28 as anticipated by Irish ("U.S. Pat. No. 6,691,032"). Irish discloses a system that allows a user to define events to be associated with "zones of influence." A user's position is tracked, e.g., by a GPS unit, and a user-defined event is triggered when the user's position matches one of the zones of influence. The method disclosed in Irish is used to

create games, such as a treasure hunt game and a golf course game, where the user's position affects the playing of the game.

In concluding that Applicant's Claim 28 was anticipated by Irish, it was stated in the Office Action that no weight was accorded to limitations in the preamble of Claim 28. Applicant does not agree with the position expressed in the Office Action that no weight should be given to limitations in the preamble or that all the limitations in the body of Claim 28 are disclosed by Irish. However, to expedite prosecution, Applicant has amended Claim 28 to include claim limitation in the body of the claim. Applicant's Claim 28 recites "*using a geographic database to compare locations of the user to locations where a photo can be taken of an object corresponding to*" a "*user-selected subject matter category*" and then "*informing the user when the user is in proximity to one of the locations where a photo can be taken of an object corresponding to the user-selected subject matter category.*" Irish does not disclose these steps and accordingly does not anticipate Claim 28. Applicant requests that the rejection of Claim 28 be withdrawn.

VII. Rejection of Applicant's Claims 1-7, 9, 12-15 and 18-22 as obvious over the combination of Berarducci and Squibbs.

In the Office Action, Applicant's Claims 1-7, 9, 12-15 and 18-22 were rejected as obvious over the combination of Berarducci and Squibbs. Applicant traverses this rejection and submits that these claims are not obvious for the reasons explained below.

A. Applicant's Claim 1

Applicant's independent Claim 1 relates to a method of storing "*digital photographs*" in the form of "*data files*" in a "*data repository*" located on a "*network.*" When each "*digital photograph*" is stored in the "*data repository*", it is associated with "*data that indicate a physical location.*" A "*search function*" is provided over the "*network*" so that users can "*search by proximity to a physical location*" for "*digital photographs stored by other users.*" According to Claim 1, the "*search function*" uses a "*geographic database*" to identify "*digital photographs in proximity to the specified*

location” thereby allowing *“users”* to select and receive *“copies”* of the *“digital photographs.”*

Berarducci discloses an online photo sharing service, but does not disclose associating the photos with data that identifies a location. Squibbs discloses a camera with a GPS unit that allows photos to be stored with data that indicates where the photo was taken. Squibbs also discloses a “map store 8” and states

The album program enables users to catalogue, manage and view their photos through a map-based interface, the photos being represented on a displayed map by a marker indicating the location they were taken.
(Squibbs: column 3, lines 34-37.)

Squibbs discloses that locations where photos were taken in a geographic area can be indicated on a map of the area shown on a computer display (Squibb: FIG. 6).

Applicant’s Claim 1 is not obvious over the combination of Berarducci and Squibbs because these references, even if combined, fail to show all the limitations of the claim. Specifically, the combination of Berarducci and Squibbs does not disclose a *“search function”* that uses a *“geographic database”* to identify *“digital photographs in proximity to”* a *“specified location.”* As stated above, Berarducci has no disclosure about associating location data with photos. Although Squibbs discloses a “map store 8”, Squibb uses the map store to generate maps on which the locations where photos were taken can be indicated. Squibbs does not disclose a *“search function”* that uses a *“geographic database”* to allow users to identify *“digital photographs in proximity to”* a *“specified location.”* Accordingly, all the limitations of Applicant’s Claim 1 are not disclosed by the combination of Berarducci and Squibbs and therefore Applicant’s Claim 1 is not obvious over this combination of references.

B. Claims 2-7, 9, 12-15 and 18-22

Applicant’s Claims 2-7, 9, 12-15 and 18-22 are dependent claims that depend directly from independent base Claim 1. In the Office Action, these claims were rejected as obvious over the combination of Berarducci and Squibbs. These claims are not obvious over the combination of Berarducci and Squibbs at least for the same reasons as explained above in connection with Claim 1.

VIII. Rejection of Applicant's Claims 8, 10, 11, 16, 17 and 23

Applicant's Claims 8, 10, 11, 16, 17 and 23 are dependent claims that depend directly from independent base Claim 1. In the Office Action, Applicant's Claims 8, 10, 11, 16, 17 and 23 were rejected as obvious over the combination of Berarducci and Squibbs, further combined with either Tretter, Johnson, Pollard or Kamikawa. As explained above in connection with Claim 1, even if Berarducci and Squibbs were combined, the resultant combination would fail to disclose all the claim limitations, specifically, a *"search function"* that uses a *"geographic database"* to identify *"digital photographs in proximity to"* a *"specified location."* Tretter, Johnson, Pollard and Kamikawa all fail to disclose this missing limitation. Accordingly, all the limitations of Applicant's Claims 8, 10, 11, 16, 17 and 23 are not disclosed by the combination of Berarducci, Squibbs and either Tretter, Johnson, Pollard or Kamikawa. Therefore, these dependent claims are not obvious over these combinations of references.

IX. New claims

Included with this response are two new independent claims (Claims 29 and 52) and 44 new dependent claims (Claims 30-51 and 53-74). New independent Claims 29 and 52 were discussed with Examiners Smith and Johns at the interview of June 28, 2007. Support for new independent Claims 29 and 52 can be found in Applicant's specification at page 7, lines 3-18, page 12, lines 14-16, and elsewhere. No new matter has been added.

New independent Claim 29 recites *inter alia* that when *"associating each digital photograph with data that indicate a physical location"* the *"data received from a user indicating the physical location associated with a digital photograph is transformed into an alternative format."* New independent Claim 52 recites *inter alia* the step of *"geocoding the locations"* *"to be associated"* with *"digital photographs."* Applicant submits that these claims distinguish the cited references.

New dependent Claims 30-51 and 53-74 depend from new independent Claims 29 and 52, respectively. New dependent Claims 30-51 and 53-74 are similar to original dependent Claims 2-23.

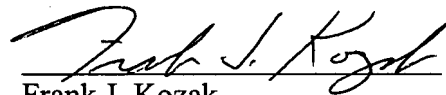
X. Extension of Time

Accompanying this response is a petition for extension of time and authorization to charge Applicant's deposit account for the fee associated therewith.

XI. Conclusion

Applicant has addressed the issues presented in the Office Action dated March 30, 2007. Applicant submits that the present application is in condition for allowance. The Examiner is invited to call the undersigned if any matter remains to be resolved.

Respectfully submitted,



Frank J. Kozak
Reg. No. 32,908
Chief Intellectual Property Counsel

NAVTEQ North America, LLC
222 Merchandise Mart Plaza, Suite 900
Chicago, Illinois 60654
(312) 894-7000 x7371